

# Calendar No. 675

108TH CONGRESS  
2D SESSION

# S. 203

[Report No. 108–319]

To open certain withdrawn land in Big Horn County, Wyoming, to locatable mineral development for bentonite mining.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 22, 2003

Mr. ENZI introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

AUGUST 25, 2004

Reported under authority of the order of the Senate of July 22, 2004, by Mr. DOMENICI, with an amendment and an amendment to the title  
[Strike out all after the enacting clause and insert the part printed in *italic*]

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## A BILL

To open certain withdrawn land in Big Horn County, Wyoming, to locatable mineral development for bentonite mining.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. OPENING OF CERTAIN WITHDRAWN LAND IN**  
 2 **WYOMING TO LOCATABLE MINERAL DEVEL-**  
 3 **OPMENT FOR BENTONITE MINING.**

4 (a) IN GENERAL.—Notwithstanding any other provi-  
 5 sion of law and subject to subsection (c), the land de-  
 6 scribed in subsection (b) shall be open to locatable mineral  
 7 development for bentonite mining.

8 (b) COVERED LAND.—The land referred to in sub-  
 9 section (a) is approximately 40 acres of previously with-  
 10 drawn land located in Big Horn County, Wyoming, at the  
 11 sixth principal meridian, T. 56 N., R. 95 W., Sec. 32,  
 12 E $\frac{1}{2}$ E $\frac{1}{2}$ SE $\frac{1}{4}$ , adjacent to Pit No. 144L covered by State  
 13 of Wyoming Mining Permit No. 321C.

14 (c) CLOSURE.—The Secretary of the Army may close  
 15 the land opened by subsection (a) at any time if the Sec-  
 16 retary determines that the closure of the land is required  
 17 by reason of a national emergency or for the purpose of  
 18 national defense or security.

19 **SECTION 1. SHORT TITLE.**

20 *This Act may be cited as the “Big Horn Bentonite*  
 21 *Act”.*

22 **SEC. 2. DEFINITIONS.**

23 *In this Act:*

24 (1) COVERED LAND.—The term “covered land”  
 25 means the approximately 20 acres of previously with-  
 26 drawn land located in the E $\frac{1}{2}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$  of sec. 32,

1       *T. 56N., R. 95W., sixth principal meridian, Big*  
 2       *Horn County, Wyoming.*

3               (2) *SECRETARY.*—*The term “Secretary” means*  
 4       *the Secretary of the Interior.*

5   **SEC. 3. AUTHORIZATION OF MINING AND REMOVAL OF BEN-**  
 6               **TONITE.**

7       (a) *IN GENERAL.*—*Notwithstanding the withdrawal of*  
 8       *the covered land for military purposes, the Secretary may,*  
 9       *with the consent of the Secretary of the Army, permit the*  
 10       *mining and removal of bentonite on the covered land.*

11       (b) *SOLE-SOURCE CONTRACT.*—*The Secretary shall*  
 12       *enter into a sole-source contract for the mining and removal*  
 13       *of the bentonite from the covered land that provides for the*  
 14       *payment to the Secretary of \$1.00 per ton of bentonite re-*  
 15       *moved from the covered land.*

16       (c) *TERMS AND CONDITIONS.*—

17               (1) *IN GENERAL.*—*Mining and removal of ben-*  
 18       *tonite under this Act shall be subject to such terms*  
 19       *and conditions as the Secretary may prescribe for—*

20                       (A) *the prevention of unnecessary or undue*  
 21                       *degradation of the covered land; and*

22                       (B) *the reclamation of the covered land*  
 23                       *after the bentonite is removed.*

24       (2) *REQUIREMENTS.*—*The terms and conditions*  
 25       *prescribed under paragraph (1) shall be at least as*

1        *protective of the covered land as the terms and condi-*  
 2        *tions established for Pit No. 144L (BLM Case File*  
 3        *WYW136110).*

4                (3) *LAND USE PLAN.*—*In carrying out the provi-*  
 5        *sions of this Act, the Secretary is not required to*  
 6        *amend any land use plan under section 202 of the*  
 7        *Federal Land Policy and Management Act of 1976*  
 8        *(43 U.S.C. 1712).*

9                (4) *TERMINATION OF INTEREST.*—*On completion*  
 10        *of the mining and reclamation authorized under this*  
 11        *Act, any party that has entered into the sole-source*  
 12        *contract with the Secretary under subsection (b) shall*  
 13        *have no remaining interest in the covered land.*

14    **SEC. 4. CLOSURE.**

15                (a) *IN GENERAL.*—*If the Secretary of the Army noti-*  
 16        *fies the Secretary that closure of the covered land is required*  
 17        *because of a national emergency or for the purpose of na-*  
 18        *tional defense or national security, the Secretary shall—*

19                        (1) *order the suspension of any activity author-*  
 20        *ized by this Act on the covered land; and*

21                        (2) *close the covered land until the Secretary of*  
 22        *the Army notifies the Secretary that the closure is no*  
 23        *longer necessary.*

1       **(b) LIABILITY.**—*Neither the Secretary nor the Sec-*  
2 *retary of the Army shall be liable for damages from a clo-*  
3 *sure of the covered land under subsection (a).*

Amend the title so as to read: “A bill to provide for  
the sale of bentonite in Big Horn County, Wyoming.”.

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